

Attorney Docket No.: CING-136
Appl. Ser. No.: 09/511,168

PATENT

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated June 16, 2006 and, thus, the application is in condition for allowance.

By this reply, no claims are amended. Claims 1-21 remain pending. Of these, claim 1, 15, 18 and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1-4, 14, and 19-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shuman (USPN 5,907,559). It is asserted that Shuman discloses a method with all of the limitations of the present invention as recited in the claims. Applicant respectfully traverses.

Shuman discloses a method of multiplexing computers (see abstract and claims). In no way does Shuman disclose or fairly suggest a system or method of managing network elements in a manner as recited in the pending claims. Thus, Shuman cannot anticipate the pending claims and the rejection should be withdrawn.

In the outstanding Office Action, claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shuman in view of Henderson (USPN 5,726,979). It is asserted that Shuman discloses a method and system with all of the limitations of the present invention as recited in the claims, but for the step wherein management of the network includes installation of network elements into the communications network. It is further alleged that Henderson disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Shuman, nor Henderson, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims.

Attorney Docket No.: CING-136
Appl. Ser. No.: 09/511,168

PATENT

For example, none of the references teach or fairly disclose a method of managing network elements in a manner as recited in the pending claims. Thus, Shuman and Henderson cannot obviate the pending claims and the rejection should be withdrawn. The Office Action has used improper hindsight reconstruction to attempt to re-create Applicant's own invention using selected parts of various references. When taken as a whole, however, the references could not be fairly combined to create the invention as recited in the pending claims.

In the outstanding Office Action, claims 5-10, 12-13 and 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shuman in view of Weinberg (USPN 6,144,962). It is asserted that Shuman discloses a method and system with all of the limitations of the present invention as recited in the claims, but for the step summarizing the representation of network elements by representing the condition of network element with an icon. It is further alleged that Weinberg disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Shuman, nor Weinberg, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, none of the references teach or fairly disclose a method of managing network elements in a manner as recited in the pending claims. Thus, Shuman and Weinberg cannot obviate the pending claims and the rejection should be withdrawn. The Office Action has used improper hindsight reconstruction to attempt to re-create Applicant's own invention using selected parts of various references. When taken as a whole, however, the references could not be fairly combined to create the invention as recited in the pending claims.

A THREE (3) month extension of time is hereby requested to enter this amendment.

PTO- 2038 form is included with an authorization to charge the three month extension fee to a

Attorney Docket No.: CING-136
Appl. Ser. No.: 09/511,168

PATENT

credit card. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: 19 December 2006

Fariborz Moazzam
Reg. No. 53,339
Cust. No. 39,013

MOAZZAM & ASSOCIATES, LLC
7787 Leesburg Pike, Suite 200
Falls Church, VA 22043
(703) 542-7813 (direct)
(703) 991-5978 (fax)